

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

NEXT PAYMENT SOLUTIONS INC., }  
Plaintiff, }  
-vs- }  
CLEARESULT CONSULTING, INC., }  
Defendant. }  
Case No. 17 C 8829  
Chicago, Illinois  
May 8, 2019  
10:13 a.m.

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE CHIEF JUDGE RUBEN CASTILLO

## APPFARANCES:

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## Court Reporter:

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1 (Proceedings heard in open court:)

2 THE CLERK: 17 C 8829, NEXT Payment versus CLEAResult  
3 Consulting.

10:13:15

4 MS. ARMSTRONG: Good morning, Your Honor. Shannon  
5 Armstrong from Holland & Knight for defendant CLEAResult  
6 Consulting.

7 MR. DONOHUE: Matt Donohue also with Holland & Knight  
8 on behalf of CLEAResult.

10:13:24

9 MS. BOGART: Susan Bogart on behalf of plaintiff,  
10 Your Honor.

11 THE COURT: Okay. What we're doing is handing you an  
12 order that I've entered today, which is three pages long,  
13 which is going to resolve all your pending motions for now.

10:13:39

14 So why don't you read it. We're going to deal with  
15 the next case. Then we'll recall this case if you have any  
16 questions.

17 MS. ARMSTRONG: Thank you, Your Honor.

18 MR. DONOHUE: Thank you.

19 (Case passed at 10:13 a.m. and recalled at 10:26 a.m. as  
20 follows:)

21 THE CLERK: 17 C 8829, NEXT Payment versus CLEAResult  
22 Consulting.

23 THE COURT: Good morning.

24 MS. ARMSTRONG: Good morning, Your Honor.

10:26:58

25 MR. DONOHUE: Good morning.

1 MS. ARMSTRONG: We have one clarification from the  
2 order --

3 THE COURT: Sure.

4 MS. ARMSTRONG: -- Your Honor, and that is to confirm  
10:27:03 5 that the date for the motions *in limine*, which was scheduled  
6 to be the same as the pretrial order, would also be moved to  
7 July 9th, 2019.

8 THE COURT: They will be moved.

9 MS. ARMSTRONG: Thank you.

10:27:12 10 THE COURT: Thank you.

11 MS. BOGART: And, Judge --

12 THE COURT: Yes.

13 MS. BOGART: -- we do have --

14 THE COURT: And I'm vacating the existing trial date.  
10:27:19 15 You know, that's a given.

16 But go ahead, keep going, Ms. Bogart.

17 MS. BOGART: Yeah. We had hoped, Judge, obviously to  
18 have responded to the motion for sanctions in part because --  
19 and among the things that we would have identified, and I'm  
10:27:34 20 not saying that the Court should reconsider necessarily, but,  
21 you know, the defendants had multiple opportunities to depose  
22 my client, which they did for two days. They didn't ask any  
23 questions about trade secrets. They had the opportunity to  
24 depose our expert for a day. They didn't ask any details  
25 about the trade secrets.

1 So they're getting what amounts to basically a third  
2 bite at the apple; and under those circumstances, we think it  
3 would be appropriate for the plaintiff to be able to file a  
4 supplement to the expert report based on the recently provided  
5 identification of trade secrets to precede the defendant's  
6 motion and the -- and their -- whatever they're going to do  
7 with their expert.

8 THE COURT: Well --

9 MS. ARMSTRONG: May I respond, Your Honor?

10 THE COURT: No, you don't need to respond. I've had  
11 enough written arguments on this case. There's enough paper  
12 here to pile up to the ceiling.

13 I'll hew to my order. I could say a lot more, but  
14 I'm going to be nice this morning.

10:28:38 15 || Thank you.

16 MR. DONOHUE: Thank you.

17 (Which were all the proceedings heard.)

## CERTIFICATE

19 I certify that the foregoing is a correct transcript from  
20 the record of proceedings in the above-entitled matter.

21 || /s/Kathleen M. Fennell May 9, 2019

23 Kathleen M. Fennell  
Official Court Reporter

Date